

II. REMARKS

As an initial matter, Applicants gratefully acknowledge that the previous restriction requirement, with respect to Species I (claim 15) and to Species II (claim 18), has been withdrawn. Therefore, while claims 14-32 are pending, only claim 30 has been withdrawn by the Examiner because it relates to a non-elected invention.

The Examiner now additionally requires restriction, under 35 U.S.C. §§ 121 and 372, of the present application to one of the following inventions:

Species I: Claim 31, drawn to a liquid crystal cell; and

Species II: Claim 32, drawn to an electrochemical photovoltaic cell.

The Examiner contends that Species I and II lack unity of invention and do not form a single general inventive concept under PCT Rule 13.1 because the photovoltaic cell converts light into electricity whereas the liquid crystal cell is a liquid in which molecules are arranged in a regular pattern and reacts predictably when electrically stimulated. The Examiner has, however, determined that claims 14-29 are generic.

Applicants elect, with traverse, the invention of Species I, claim 31, for further prosecution on the merits. Specifically, Applicants contend that Species I and Species II form a single inventive concept for the following reasons. First, both the liquid crystal cell and the electrochemical cell have the same mechanical structure, namely, they comprise a transparent front substrate, a back substrate joined to the front substrate by a sealing frame and an active medium (either an electro-optically or a photo-electrically active medium) disposed between the two substrates. Because the present invention discloses a new way of electrically contacting such cells, the fact that a photovoltaic cell converts light into electricity and that a liquid crystal cell converts incoming light in an item of visible information when electrically stimulated is of no concern in the present case. In other words, whether the device, in accordance with the claimed invention, is a liquid crystal cell or an

electrochemical cell does not pertain to the “special technical feature” of the invention.

Therefore, the Examiner’s restriction to two species is improper and must be withdrawn.

Secondly, only the mechanical structure of the cells plays a role in the present invention, and not the respective physical behaviors of these cells.

For all of the above reasons, the Examiner’s restriction/election requirement is improper and should be withdrawn.

Furthermore, Applicants point out that when generic claim 14 is allowed, then claim 32 of non-elected Species II must be rejoined with the allowed claims.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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